IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7551 of 2005

Between:

A.Raja Reddy, S/o.A.Narasimha Reddy
R/o.Pacharlamakulpalli H/o.Buragamanda Village
Sadum Mandal, Chittoor District.

... PETITIONER

AND

1 The Mandal Revenue Officer Sadum Mandal, Chitoor District.
2 The Panchayat Secretary Buragamanda Village
Sadum Mandal, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Mandamus declaring the proceedings of the 2nd respondent dt.31.3.2005 as illegal, violative of the principles of natural justice, without jurisdiction and contrary to he provisions of the A.P.Water, Land and Trees Act 2002 and consequently set aside the same.

Counsel for the Petitioner: MR.P.ROY REDDY

Counsel for the Respondent: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed questioning the order dated 31-03-2005 passed by the second respondent-Panchayat Secretary under the provisions of the A.P. Water, Land and Trees Act, 2002, (for short 'the Act') directing the petitioner to stop deepening of bore well in Sy.No.401/7 of Buragamanda Village, Sadum Mandal, Chittoor District.

It is primarily contended by the petitioner that under the provisions of the Act, the Mandal Revenue Officer alone is competent authority to initiate the proceedings on the ground of alleged violation of the provisions of the Act and thus the impugned proceedings issued by the Panchayat Secretary is without jurisdiction and liable to be set aside on that ground alone. Learned counsel for the petitioner in support of his contention placed reliance in ***ELLATURU SIDDAIAH v. REVENUE DIVISIONAL OFFICER***[1]

Learned Government Pleader for Panchayat Raj appearing for the respondent does not dispute the legal position. Thus, in the light of the provisions of the Act, it is clear that the second respondent-Panchayat Secretary is not competent authority to issue the impugned proceedings.

Accordingly, the writ petition is allowed and the impugned proceedings are set aside. However, it is made clear that this shall not preclude the competent authority to initiate proceedings afresh following due process of law.

The Writ Petition is accordingly allowed. No order as to costs.

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G. ROHINI, J

Dated: 06-04-2005

Note: Issue operative portion by wire

at party's costs.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The Mandal Revenue Officer Sadum Mandal, Chitoor District.
2 The Panchayat Secretary Buragamanda Village
Sadum Mandal, Chittoor District.

3 Two C.Cs. to the G.P. for Panchayat Raj, High Court Buildings, Hyderabad. (OUT)

4 Two C.D. copies.